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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/558,201      | 04/26/2000  | John David Gerthe    | 10992199-1          | 9869             |

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EXAMINER

BAUGH, APRIL L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2143     | <i>5</i>     |

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                           |                    |
|------------------------------|---------------------------|--------------------|
| <b>Office Action Summary</b> | Application No.           | Applicant(s)       |
|                              | 09/558,201                | GERTHE, JOHN DAVID |
|                              | Examiner<br>April L Baugh | Art Unit<br>2143   |

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 April 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: Notice to File Missing Parts of Nonprovisional Application.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1-15 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 5,987,506 to Carter et al.

Regarding claim 1, Carter et al. teaches a method for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), the method comprising the steps of: coupling a plurality of computing devices to a local area network (column 1, lines 20-23), at least one of said plurality of computing devices including the ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines

25-27); coupling said at least one of said plurality of computing devices to a communication network (column 3, lines 55-58); coupling a remote memory element to said communication network (column 2, lines 9-11), said remote memory element configured to maintain a file selected from said plurality of files contained in the memory elements of each of said plurality of computing devices (column 6, lines 10-12); coupling a remote computing device to said remote memory element (column 1, lines 52-56); intercepting, in said remote memory element, a communication message from said remote computing device; and providing said selected file to said remote computing device when said remote memory element intercepts said communication message from said remote computing device if said communication message requests said selected file from one of said plurality of computing devices connected to said local area network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28).

Referring to claim 2, 7, and 12, Carter et al. teaches the method of claim 1, 6, and 11, wherein said at least one of said plurality of computing devices periodically updates said selected file maintained in said remote memory element (column 29, lines 38-42).

Regarding claim 3, 8, and 13, Carter et al. teaches the method of claim 1, 6, and 11, wherein said selected file is chosen to be maintained in said remote memory element based upon any of a plurality of policies (column 29, line 60 through column 30, line 8).

Referring to claim 4, 9, and 14, Carter et al. teaches the method of claim 3, 8, and 13, wherein said plurality of policies are chosen from the group consisting of user, group policies, and corporate policies (column 20, lines 45-56).

Regarding claim 5, 10, and 15, Carter et al. teaches the method of claim 1, 6, and 11, wherein said remote memory element updates said selected file and causes a file located in said

plurality of files and corresponding to said selected file to be updated (column 11, lines 19-22, column 14, lines 6-8, column 29, lines 38-42, and column 30, lines 29-31).

Referring to claim 6, Carter et al. teaches a system (column 44, line 10) for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), comprising: a local area network to which is coupled a plurality of computing devices (column 1, lines 20-23), at least one of said computing devices including the ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines 25-27); a communication network coupled to said at least one of said plurality of computing devices (column 3, lines 55-58); a remote memory element coupled to said communication network and configured to maintain a file selected from said plurality of files contained in the memory elements of each of said plurality of computing devices (column 6, lines 10-12); a remote computing device connected to said remote memory element (column 1, lines 52-56), said remote memory element configured to intercept communication messages from said remote computing device; and wherein said remote memory element is configured to provide said selected file to said remote computing device when said remote memory element intercepts said communication message from said remote computing device if said communication message requesting said selected file from one of said plurality of computing devices connected to said local area network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28).

Referring to claim 11, Carter et al. teaches a computer readable medium having a program (column 1, lines 23-24) for transparent file proxying (column 1, lines 15-17 and column 4, lines 56-58), the program comprising logic configured to perform the steps of: coupling a

plurality of computing devices to a local area network (column 1, lines 20-23), at least one of said plurality of computing devices including the ability to route communication packets to said remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of computing devices including a memory element containing a plurality of files (column 1, lines 25-27); coupling said at least one of said plurality of computing devices to a communication network (column 3, lines 55-58); coupling a remote memory element to said communication network (column 2, lines 9-11), said remote memory element configured to maintain a file selected from said plurality of files contained in the memory elements of each of said plurality of computing devices (column 6, lines 10-12); coupling a remote computing device to said remote memory element (column 1, lines 52-56); intercepting, in said remote memory element, a communication message from said remote computing device; and providing said selected file to said remote computing device when said remote memory element intercepts said communication message from said remote computing device if said communication message requests said selected file from one of said plurality of computing devices connected to said local area network (column 4, lines 16-22 and column 6, lines 3-7 and 25-28).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect transparent file proxying in general:

US Pat No. 5,884,046 to Antonov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9149 for regular communications and 703-746-9149 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB  
March 19, 2003



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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